

### **REMARKS**

Claims 1, 4, 6-10, 13-23 and 25-40 are pending in this present application. By this Reply, claims 2-3, 5, 11-12 and 24 have been cancelled. New claims 29-40 have been added. Claims 1, 13-14, 18-19, 26, 29, 33, 35 and 38 are independent.

The claims have been amended to correct minor informalities and to clarify the invention according to U.S. Patent Practice. These modifications do not add new matter and are fully supported by the original disclosure.

### **Allowable Subject Matter**

The Office Action states that claims 19-23 and 25 are allowed over prior art. The Office Action also states that claims 6-10 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form. The Office Action also states in the Examiner's statement of reasons for the indication of allowable subject matter that claim 5 contains allowable subject matter.

### **35 U.S.C. § 103 Rejection**

Claims 1, 4, 13-18 and 28 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over Yamamoto et al. in view of Imaino et al. (Please note that, although page 5 of the Office Action states a 35 U.S.C. § 103(a) rejection on claim 5, the Office Action does not provide reasons for rejecting claim 5 and page 9 of the Office Action states that claim 5 is an allowable subject matter). Claims 15-17, 26 and 27 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over Yamamoto et al. in view of Imaino et al. and Applicant's disclosed related art. These rejections are respectfully traversed.

Regarding independent claims 1, 13, 14 and 26, it is respectfully submitted that amended independent claim 1 is allowable because it has been amended to include the allowable subject matter of claim 5. Amended independent claims 13, 14 and 26 describe similar features to independent claim 1 in a varying scope, and also include the allowable subject matter of claim 5. Accordingly, amended independent claims 13, 14 and 26 are also allowable.

Regarding independent claim 18, the Office Action states that independent claim 18 has limitations similar to those treated in other rejected claims and is met by the references as discussed in rejecting the other claims. However, independent claim 18 includes allowable subject matter from claim 5. Further, independent claim 18 describes similar features as amended independent claims 1, which is allowable, and has additional limitation such as “the second substrate having a pit patten on a surface facing the first substrate.” Therefore, it is respectfully submitted that independent claim 18 is allowable.

Accordingly, it is respectfully submitted that amended independent claims 1, 13, 14, 18 and 26 are allowable and each claim depending therefrom is also allowable.

#### **New Claims**

Claims 29-40 have been added for the Examiner's consideration.

Independent claim 29 recites a combination of elements in an optical recording medium suitable for recording/reproducing information by irradiating a laser beam at a wavelength between 395-425 nm onto an optical recording medium, the laser beam being incident from a side of the optical recording medium through an objective lens having a numerical aperture of 0.62-0.68, wherein the optical recording medium has a tilt margin same as DVD, and an optical aberration applicable to the optical recording medium is less than  $0.07\lambda$ , where the  $\lambda$  is the wave length. Independent claims 31, 33, 35 and 38 recite similar features in a varying scope. This feature is also disclosed in claim 28.

In rejecting claim 28, the Office Action indicates that the optical aberration being less than  $0.07\lambda$  is an inherent property of an objective lens under Marchel's criterion. It is respectfully submitted that, although the value being equal to  $0.07\lambda$  is Marchel's criterion, the optical aberration being less than  $0.07\lambda$  is not the inherent feature of the objective lens under Marchel's criterion. For example, in order to allow the blue laser pickup to access both the DVD and the HD-DVD, the present invention provides the optical aberration being less than the Marchel's crieterion value  $0.07\lambda$  along with the various parameters. Furthermore, the cited references fail to teach or suggest that “the optical aberration applicable to the optical recording medium is less than  $0.07\lambda$ .”

Therefore, Applicant respectfully submits that this combination of elements as set forth in independent claims 29, 31, 33, 35 and 38 are not disclosed or made obvious by the prior art of record, and each of claims depending therefrom is also allowable..

Consideration and allowance of claims 29-40 are respectfully requested.

### Conclusion

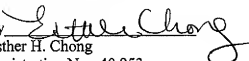
In view of the above amendment, Applicant believes the pending application is in condition for allowance.

Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact Esther H. Chong Reg. No. 40,953 at the telephone number of the undersigned below, to conduct an interview in an effort to expedite prosecution in connection with the present application.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37.C.F.R. §§1.16 or 1.14; particularly, extension of time fees.

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Respectfully submitted,

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